

(b) Directors appointed for terms beginning February 1, 1995, and all subsequent directors serve staggered six-year terms.

(c) The appointment of each person holding the position of director immediately preceding the effective date of this Act is ratified and confirmed.

(2) Renumber Section 2 of the bill as Section 4.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.H.B. 2020 (Montford) Relating to certain documents necessary for the transfer of title to a motor vehicle; providing a criminal penalty. (30-1) Washington "Nay" (31-0)

H.B. 2040 (Krier) Relating to the power of the commissioner of education to administer certain oaths. (30-1) Washington "Nay" (31-0)

H.B. 2058 (Krier) Relating to the oversight of the Governor's Mansion. (30-1) Washington "Nay" (31-0)

H.B. 2306 (Henderson) Relating to the exclusion of land from a municipal utility district. (30-1) Washington "Nay" (31-0)

H.B. 2601 (Tejeda) Relating to the training of guide dogs for the blind. (30-1) Washington "Nay" (31-0)

C.S.H.B. 2626 (Parker) Relating to the exclusion of certain territory from a rural fire prevention district or an emergency services district. (30-1) Washington "Nay" (31-0)

H.B. 2681 (Lyon) Relating to enhanced warning sign visibility at railroad grade crossings. (30-1) Washington "Nay" (31-0)

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

<u>Number</u>	<u>Senators Removing</u>
H.B. 526	Washington, Sims
H.B. 959	By Sponsor, Carriker

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Carriker, the Senate at 8:36 a.m. adjourned until 10:00 a.m. today.

SIXTY-SIXTH DAY (Wednesday, May 17, 1989)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, McFarland.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Holy Father, we are grateful for Your call to activity today and for the opportunity of service. We give thanks for these of the Senate and their staffs who have given much time, energy and study to issues that are so critical to the people of Texas. In some way may those who are served express gratitude to these that serve.

In Your name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator McFarland was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

H.B. 1630

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1805
S.B. 1771
S.B. 1798
S.B. 1807
S.B. 1826
C.S.S.B. 636
H.B. 1738
H.B. 2455
H.B. 1566
H.B. 1263
H.B. 1668
H.B. 2920
H.B. 414
H.B. 1536
C.S.H.B. 1976
C.S.H.B. 869
C.S.H.B. 2297
C.S.H.B. 2612
C.S.H.B. 1659

C.S.H.B. 2456

C.S.H.B. 1193

C.S.H.B. 1265

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the BOARD OF DIRECTORS, TEXAS AGRICULTURAL FINANCE AUTHORITY: John E. Birdwell, Jr., Lubbock County; Othal E. Brand, Jr., Hidalgo County; Jerry Harris, Dawson County; John W. Jones, McCulloch County.

To be Members of the DISTRICT ONE REVIEW COMMITTEE, STATE BOARD OF MEDICAL EXAMINERS: Dr. Jerome L. Armbruster, Brazoria County; Dr. Richard H. Eppright, Harris County; Dr. Robert W. Feldtman, Harris County; Dr. William H. Fleming III, Fort Bend County; Mrs. Clara Hubert Haney, Galveston County.

To be Members of the DISTRICT TWO REVIEW COMMITTEE, STATE BOARD OF MEDICAL EXAMINERS: Mrs. Linda Kagy, Dallas County; Dr. Milam B. Pharo, Dallas County; Dr. John Leon Sawtelle, Henderson County; Dr. Phillip Earle Williams, Jr., Dallas County; Dr. Richard Charles Wootan, Dallas County.

To be Members of the DISTRICT THREE REVIEW COMMITTEE, STATE BOARD OF MEDICAL EXAMINERS: Dr. Carlos A. Fernandez, El Paso County; Mrs. Carolyn Moorhouse, Baylor County; Dr. William L. Rector, Wichita County; Dr. F. Warren Tingley, Tarrant County; Dr. Irvin E. Zeitler, Jr., Jones County.

To be Members of the DISTRICT FOUR REVIEW COMMITTEE, STATE BOARD OF MEDICAL EXAMINERS: Dr. Clyde R. Danks, Travis County; Dr. Royce K. Keilers, Fayette County; Mrs. Janet McGlasson, Arkansas County; Dr. Luis M. Rios, Hidalgo County; Dr. Harold Skaggs, Travis County.

To be a Member of the RADIATION ADVISORY BOARD: William G. Hendrick, Travis County.

CO-AUTHOR OF SENATE BILL 1279

On motion of Senator Uribe and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1279.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 67

On motion of Senator Dickson and by unanimous consent, Senator Sims will be shown as Co-author of S.C.R. 67.

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 187**

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
May 11, 1989

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 187 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass.

ZAFFIRINI
TRUAN
CARRIKER
TEJEDA

On the part of the Senate

ROBINSON
BERLANGA
BLAIR
STILES
H. CUELLAR

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE RESOLUTION 640

Senator Green offered the following resolution:

WHEREAS, The colorful career of Paul Boesch of Houston came to an end on March 7, 1989, and Texas lost an exceptional citizen, a good friend, and a dedicated public servant; and

WHEREAS, Mr. Boesch was born in Brooklyn, New York, where he spent his early life; an excellent swimmer, he worked as a lifeguard on the Atlantic when he was 14 and while thus employed, he was given credit for saving the lives of 500 people; and

WHEREAS, During his high school years he played both football and basketball, later becoming a professional with the Boston Celtics; and

WHEREAS, Although he excelled in numerous other sports wrestling became his favorite, and he established himself as a crowd-pleaser among the spectators who enthusiastically followed his long career throughout the United States and abroad; and

WHEREAS, A decorated war hero during World War II, he distinguished himself while serving overseas in Europe as an infantry officer with the United States Army; and

WHEREAS, He was awarded two Silver Star Medals for gallantry in action and two Bronze Star Medals for meritorious service; the French further honored him with the Croix de Guerre for gallant action in war; and

WHEREAS, He returned to the wrestling ring after the war but gradually became more involved in promoting the sport and working as an announcer; and

WHEREAS, In 1948 he made his debut as a broadcaster for station KLEE; the next year he became Houston's first television sports announcer covering the wrestling matches in the old City Auditorium; and

WHEREAS, He took an interest in the welfare of those in his community and was a frequent visitor to the Texas Department of Corrections where he befriended the inmates offering his support and help; recognizing the value of regular work-outs, he donated exercise equipment for their use; and

WHEREAS, His care and concern for others was evident in his work with young people and he wholeheartedly supported the Rotary Boys Club, the Variety Boys Club, and the Houston Chronicle Goodfellows program; and

WHEREAS, As a veteran, he did not forget the needs of the former military men and volunteered his time and energies to help the Veterans Administration Hospital in Houston and the Institute for Rehabilitation and Research; and

WHEREAS, Toward the end of his life, he wrote a book entitled, Hey Boy, Where Did You Get Those Ears?, an autobiography of his 50 years in the wrestling world; and

WHEREAS, The varied and worthwhile activities of this Texas gentleman have contributed greatly to the lives of many and he will be remembered with affection and gratitude; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby extend deepest sympathy to the family members of the late Paul Boesch: his wife, Valerie Ivy Boesch; his son, Joey Boesch; and his brother, John Birkholz; and, be it further

RESOLVED, That a copy of this Resolution be prepared for those held dear by Paul Boesch as an expression of profound regret from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Paul Boesch.

The resolution was read and was adopted by a rising vote of the Senate.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 109, Relating to the appellate judicial system in the First, Fifth, and Fourteenth Court of Appeals Districts.

H.B. 198, Relating to the dismissal of certain misdemeanor charges on completion of a teen court program.

H.B. 377, Relating to the offense of promotion of child pornography.

H.B. 439, Relating to a defense to the offense of criminal trespass if the actor is a peace officer or fire fighter acting in the lawful discharge of an official duty.

H.B. 646, Relating to the manner in which an arrested person is informed of his rights by a magistrate.

H.B. 1225, Relating to the payment of ad valorem taxes by credit card.

H.B. 1280, Relating to membership of retirees in the Employees Retirement System of Texas.

H.B. 1292, Relating to public school parent involvement programs.

H.B. 1582, Relating to venue for prosecution of bigamy.

H.B. 1827, Relating to recovery of motor vehicle insurance benefits for a motor vehicle impounded for drug violations.

H.B. 1831, Relating to the notice of appraised value of a mineral interest for ad valorem tax purposes.

H.B. 1856, Relating to the period in which a person must bring a suit for certain damages against certain surveyors.

H.B. 1986, Relating to the compensation of fire fighters and police officers who are required to appear as witnesses in a hearing before a civil service commission or third party hearing examiner.

H.B. 2150, Relating to the counting and form of certain ballots.

H.B. 2191, Relating to the supplemental compensation paid to the district attorney of the 293rd Judicial District.

H.B. 2192, Relating to the frequency of accreditation and program compliance inspections.

H.B. 2262, Relating to expanding the definition of veteran for the purpose of qualifying for the Texas veterans land program.

H.B. 2286, Relating to a State small business innovation research program involving grants of State funds.

H.B. 2298, Relating to guardian bonds and amounts expended for education and maintenance.

H.B. 2321, Relating to the cooperation of public schools and local agencies in the prevention of youth suicide.

H.B. 2322, Relating to the creation of a State advisory committee on youth suicide prevention.

H.B. 2340, Relating to the County Court at Law of Bastrop County and to the County Court of Bastrop County.

H.B. 2341, Relating to the authority of the Bastrop County Water Control and Improvement District No. 2 to administer a road utility district.

H.B. 2379, Relating to the applicability of certain animal shelter and animal care standards.

H.B. 2606, Relating to the custody and holding of the assets of the Employees Retirement System of Texas, Teacher Retirement System of Texas and the Judicial Retirement System of Texas Plan Two and to their securities lending programs.

H.B. 2622, Relating to the creation of a single license for commercial oyster harvesting; providing penalties.

H.B. 2691, Relating to changes in electoral boundaries of certain political subdivisions.

H.B. 2706, Relating to the regulation of narcotic treatment programs; providing for fees, injunctions, civil penalties, administrative penalties and criminal penalties.

H.B. 2796, Relating to the authority of the sheriffs of certain counties to regulate the manufacture, transfer, use and possession of explosives; providing a penalty.

H.B. 2805, Relating to a quorum of the governing body of certain emergency communication districts.

H.B. 2808, Relating to allowing retired officers and employees of the Department of Public Safety to receive coverage and benefits through the mutual association for department employees.

H.B. 2816, Relating to the research and development of effective education programs for non-performing students.

H.B. 2817, Relating to changing the name of The Advisory Council for Technical-Vocational Education in Texas.

H.B. 2819, Relating to creation, administration, powers, duties and operations of the Fort Bend Subsidence District; providing for civil penalties.

H.B. 2823, Relating to law enforcement commissions for employees of the Texas Department of Corrections.

H.B. 2887, Relating to a requirement that certain peace officers wear a badge while enforcing traffic laws.

H.B. 2931, Relating to certain membership fees paid by regional planning commissions, councils of governments and similar regional planning agencies.

H.B. 2959, Relating to the taxation of property transported outside this State.

H.B. 2979, Relating to the regulation of hazardous waste management in Texas; restricting hazardous waste from disposal at municipal solid waste facilities.

H.B. 2987, Relating to the withholding from earnings of child support.

H.B. 3087, Relating to the issuance of bonds and notes of Northwest Dallas County Flood Control District.

H.B. 3099, Relating to the creation, administration, powers, duties, operation and financing of the Central Texas Underground Water Conservation District.

H.B. 3100, Relating to the creation, administration, powers, duties, operation and financing of the Kent County Underground Water Conservation District.

H.B. 3105, Relating to the creation, administration, powers, duties, operation and financing of the Shiner Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

H.B. 3115, Relating to the juvenile boards in Bowie and Red River counties.

H.B. 3122, Relating to the creation, administration, powers, duties, operation and financing of the Lampasas County Underground Water Conservation District.

H.B. 3133, Relating to the reorganization and conversion of Erath County Water Control and Improvement District No. 1 to become Lake Proctor Irrigation Authority and defining the boundaries and providing the rights, powers, duties, functions and financing of the authority; and granting the authority to issue bonds.

H.B. 3135, Relating to the authority of the Commissioners Court of Cameron County to order road improvements and to levy assessments for that purpose.

H.B. 3136, Relating to the travel expenditures made by the Hidalgo County Drainage District No. 1.

H.B. 3138, Relating to the authority of the commissioners courts of certain counties to regulate various matters; providing penalties.

H.B. 3144, Relating to the composition of the Ector County Juvenile Board.

H.B. 3168, Relating to the creation, administration, powers, duties, operation and financing of the San Saba Hospital District; authorizing taxes; granting the authority to issue bonds; and granting the power of eminent domain.

H.B. 3172, Relating to the creation, administration, powers, duties, operation and financing of the Bell County Underground Water Conservation District.

H.B. 3175, Relating to certain public retirement systems for police and fire personnel.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 911**. The following have been appointed on the part of the House: C. Harris, Chair; Cavazos, Criss, Gavin, Waterfield.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 1504**. The following have been appointed on the part of the House: Guerrero, Chair; Garcia, Hinojosa, Linebarger, Waterfield.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 297**. The following have been appointed on the part of the House: Valigura, Chair; Dutton, C. Harris, A. Hill of Dallas, Parker.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 55**. The following have been appointed on the part of the House: A. Smith, Chair; Craddick, Evans, Morales, Parker.

The House has concurred in Senate amendments to **H.B. 558** by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 661

Senator Truan offered the following resolution:

WHEREAS, Dr. Steve Altman has served as President of Texas A&I University since 1985; and

WHEREAS, During Dr. Altman's presidency, Texas A&I University has shown renewed vitality and popularity, increasing its enrollment by 13 percent; and

WHEREAS, Showing his vision of the future, Dr. Altman initiated and carried out a University Strategic Plan to guide the systematic development of the institution and the region over the next decade; and

WHEREAS, Dr. Altman's leadership has encouraged growth in the research component of the university by establishing an Office of Sponsored Research, a program to obtain microcomputers to facilitate faculty research, and other initiatives which have helped Texas A&I University reach the ranking of 10th in research funding in the state while ranking 23rd in size; and

WHEREAS, Dr. Altman has continued to teach during his presidency, showing throughout his presidency a deep concern for the welfare of the students on campus; and

WHEREAS, Dr. Altman has been in forefront of educators in recognizing the importance of minority recruitment and retention in higher education, working to implement innovative retention programs such as College One and developing a Hispanic Agenda for the institution's academic development; and

WHEREAS, Dr. Altman has worked hard for new programs for faculty, including starting a sabbatical program and working to increase opportunities for research; and

WHEREAS, Dr. Altman has been a tireless advocate of Texas A&I University and higher education throughout the state, frequently travelling to Austin and Washington to testify and work for the cause of higher education and making great contributions to the study of higher education in South Texas authorized by the 70th Legislature; and

WHEREAS, Dr. Altman has always shown great concern for the people and the community of Kingsville, serving on the Board of Directors of the Kingsville Chamber of Commerce and of the Kingsville Area Economic Development Council and as President of the Chamber of Commerce in 1987-88; and

WHEREAS, Dr. Altman has worked extremely hard on behalf of the citizens of South Texas, serving on the Long Range Planning Committee for Spohn Kleberg

Hospital and on the Board of Directors for the Research Triangle of South Texas; and

WHEREAS, Dr. Altman will return to Florida with his lovely wife, Judy, to serve as President of the University of Central Florida; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby extend its sincere congratulations to Dr. Steve Altman on his ascendance to the presidency of the University of Central Florida and its thanks for his years of exemplary service to the students of Texas A&I University and the State of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Dr. Altman as an expression of highest esteem and appreciation from the Texas Senate.

The resolution was read.

On motion of Senator Edwards and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted viva voce vote.

GUEST PRESENTED

Senator Truan, at the request of the President, escorted Dr. Altman to the President's Rostrum.

The Senate welcomed Dr. Altman as the President presented to him an enrolled copy of S.R. 661.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 2622, To Committee on Natural Resources.

H.B. 2706, To Committee on Criminal Justice.

SENATE BILL 24 WITH HOUSE AMENDMENTS

Senator Washington called S.B. 24 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Willy

Amend S.B. 24 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 381, Local Government Code, is amended by adding Section 381.004 to read as follows:

Sec. 381.004. COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAMS. (a) The commissioners court of a county may develop and administer a program for state or local economic development to stimulate business and commercial activity in the county.

(b) A program established under this section is subject to the approval of the commissioners court.

(c) The commissioners court may:

(1) contract with the federal government, the state, a political subdivision of the state, a nonprofit organization, or any other person or entity for the administration of the program; and

(2) accept contributions, gifts, or other resources to develop and administer the program.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1 - Eckels

Amend C.S.S.B. 24 on page 1, between lines 4 and 5, by inserting the following and renumbering the subsequent sections accordingly:

SECTION 1. Section 262.024(a), Local Government Code, as amended by Senate Bill 220, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(a) A contract for the purchase of any of the following items is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption:

(1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;

(2) an item necessary to preserve or protect the public health or safety of the residents of the county;

(3) an item necessary because of unforeseen damage to public property;

(4) a personal or professional service;

(5) any work performed and paid for by the day, as the work progresses;

(6) any land or right-of-way; ~~or~~

(7) an item that can be obtained from only one source, including:
(A) items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;

(B) films, manuscripts, or books;

(C) electric power, gas, water, and other utility services;
and

(D) captive replacement parts or components for equipment; or

(8) any work performed under a contract for community and economic development made by a county under Section 381.004.

Floor Amendment No. 2 - Junell

Amend C.S.S.B. 24 on page 1, between lines 4 and 5, by inserting the following and renumbering the subsequent sections accordingly:

SECTION 1. Section 381.002, Local Government Code, is amended to read as follows:

Sec. 381.002. ADVERTISING AND PROMOTING GROWTH AND DEVELOPMENT. (a) ~~[This section applies only to a county with a population of more than 50,000.~~

~~[(b)]~~ If authorized by a majority vote of the qualified voters of the county voting at an election, the commissioners court of the county may appropriate from the county's general fund an amount not to exceed five cents on the \$100 assessed valuation to advertise and promote the growth and development of the county. That money constitutes a separate fund to be known as the board of development fund and may be used only for board purposes.

~~(b)~~ ~~[(c)]~~ In a county qualifying under this section, a board of development is created. The board shall devote its time and effort to advertising and promoting the growth and development of the county.

(c) [(d)] The board consists of five members who are appointed by the commissioners court and who serve terms of two years from the date of appointment. Members serve without compensation. Vacancies on the board shall be filled by the commissioners court in the same manner as the original appointments.

(d) [(e)] Annually, the board shall prepare and submit to the commissioners court a budget for the ensuing year in the same manner required of counties.

(e) [(f)] Subject to the approval of the commissioners court, the board may spend for personnel, rent, or materials any sum reasonably necessary to accomplish its purposes.

(f) [(g)] Before a claim against the board is presented for payment, the claim must be approved by the board. After approval of the claim, it must be presented to the commissioners court and the commissioners court shall act on it in the same manner in which it acts on any other claim against the commissioners court.

(g) [(h)] Although a county may operate under another law authorizing the appropriation of money or levy of a tax for advertising and promotion purposes, the county may not appropriate more for those purposes than the amount provided by Subsection (a) [(b)].

[(i) The authority to levy the tax provided by this section applies only to a county with a population of more than 100,000.]

Floor Amendment No. 3 - Dutton

Amend C.S.S.B. 24 as follows:

(1) On page 1, strike lines 8-10 and substitute the following:

"(a) To stimulate business and commercial activity in a county, the commissioners court of the county may develop and administer a program:

(1) for state or local economic development; or

(2) to improve the extent to which women and minority businesses are awarded county contracts.

(b) In this section:

(1) "Minority" includes blacks, Hispanics, Asian Americans, American Indians, and Alaska natives.

(2) "Minority business" means a business concern, more than 50 percent of which is owned and controlled in management and daily operations by members of one or more minorities.

(3) "Women-owned business" means a business concern, more than 50 percent of which is owned and controlled in management and daily operations by one or more women.

(c) A program established under this section may be designed to reasonably increase participation by minority and women-owned businesses in public contract awards by the county by establishing a contract percentage goal for those businesses."

(2) On page 1, line 11, strike "(b)" and substitute "(d)".

(3) On page 1, line 13, strike "(c)" and substitute "(e)".

Floor Amendment on Third Reading - Campbell

Amend S.B. 24 on third reading as follows:

(1) On page 1, between lines 4 and 5, insert the following and renumber the subsequent sections accordingly:

SECTION 1. Subchapter C, Chapter 351, Local Government Code, is amended by adding Section 351.0415 to read as follows:

Sec. 351.0415. OPERATION OF JAIL COMMISSARY. (a) The commissioners court of a county may operate, contract with another person to operate, or authorize the sheriff of the county to operate a commissary for the use of the prisoners committed to a county jail.

(b) The commissioners court has exclusive control of any funds of a county jail commissary and shall deposit revenues from the operation of the commissary in the general fund of the county.

(c) A county officer, including the county sheriff, may not own an interest in a commissary operated for the use of the prisoners committed to a county jail.

(2) Add an appropriately numbered new section to read as follows and renumber subsequent sections accordingly:

SECTION _____. On the effective date of this Act, the operation of any existing county jail commissary shall be transferred, and the unexpended proceeds of the commissary shall be delivered, to the commissioners court of the county in which the commissary is located.

The amendments were read.

Senator Washington moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 24 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Washington, Chairman; Whitmire, Parmer, Dickson and Johnson.

CONFERENCE COMMITTEE ON HOUSE BILL 1211

Senator Washington called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 1211 and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on H.B. 1211 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Washington, Chairman; Brooks, Johnson, Whitmire and Parmer.

AT EASE

The President at 10:20 a.m. announced the Senate would stand At Ease until 10:30 a.m. today.

IN LEGISLATIVE SESSION

The President at 10:30 a.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 508, Relating to the continuation, composition, powers and duties of the Texas Surplus Property Agency and the disposition of surplus and salvage property. (As amended)

S.B. 639, Relating to procedures in the municipal courts of record of Houston.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 595 WITH HOUSE AMENDMENT

Senator Brooks called **S.B. 595** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment on Third Reading - Wolens

Amend **S.B. 595** as follows:

On page 1, line 18, strike the sentence beginning on this line and substitute the following: "In determining whether a degree is substantially equivalent, the Board shall consider whether the doctoral program met the prevailing standards for training in the area of psychology, including standards for training in counseling, clinical, school and industrial, in effect at the time the degree was conferred."

The amendment was read.

Senator Brooks moved to concur in the House amendment to **S.B. 595**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, McFarland.

SENATE BILL 446 WITH HOUSE AMENDMENTS

Senator Tejeda called **S.B. 446** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Stiles

Amend **S.B. 446** by adding a new subsection to read as follows:

(d) Nothing in this Act shall be construed to authorize a commissioners court to issue any order or regulation in conflict with a city ordinance or state agency rule or regulation pertaining to the regulation of billboards or outdoor advertising. An order or regulation issued in conflict with a city ordinance or state agency rule or regulation shall be null and void.

Floor Amendment - Beauchamp

Substitute the following for the Committee Amendment to S.B. 446:

Amend S.B. 446 as follows:

(1) On page 1, line 18, between "REGULATE," and "The", insert "(a)".

(2) On page 2, between lines 10 and 11, insert the following:

"(b) The commissioners court may not adopt an order under this section that conflicts with an ordinance of a municipality located in the county or with a rule of a state agency relating to billboards or outdoor advertising. An order adopted in violation of this subsection is void."

Floor Amendment on Third Reading - Uher

Amend S.B. 446 on third reading by adding in Section 1 of the bill a new Section 2.418 to read as follows:

Sec. 2.418. PAYMENT FOR LOSS OF VALUE. If the commissioners court removes or requires a property owner to remove an obstruction under this subchapter, the court shall pay the owner an amount sufficient to cover the loss of the value of the obstruction, if any, incurred by the owner by reason of the removal.

The amendments were read.

On motion of Senator Tejeda and by unanimous consent, the Senate concurred in the House amendments to S.B. 446 viva voce vote.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILL 800 WITH HOUSE AMENDMENT

Senator Barrientos called S.B. 800 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - Kuempel

Amend S.B. 800 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 1(2), Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "Fire fighter" means a commissioned civil service and Texas state-certified [~~"Fireman" means an active~~] member of a regularly organized fire department of an incorporated city.

SECTION 2. Section 2, Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. (a) A fire fighter's relief and retirement fund is created in all incorporated cities having a population of not less than 300,000 nor more than 375,000, according to the last preceding federal census, and having a fully paid fire department.

(b) The mayor of the city, the city treasurer, or if no treasurer, then the city secretary, city clerk, or other person or officer as by law, charter provision, or ordinance, performs the duty of city treasurer, and three members of the regularly organized active fire department, to be selected by vote of the members of the fire department in the manner provided in this Act, shall be and are constituted the

"Board of Fire Fighter's Relief and Retirement Fund Trustees" to receive, handle and control, manage, and disburse the fund for the respective city or town. The board shall have the power and authority to hear and determine all applications for retirement, claims for disability, either partial or total, and to designate the beneficiaries or persons entitled to participate as provided by this Act. The board shall be known as the "Board of Fire Fighter's Relief and Retirement Fund Trustees of _____, Texas." The mayor shall be the chairman and the city treasurer shall be the secretary-treasurer of the board of trustees respectively. The fire department of any city that comes within the provisions of this Act shall elect by ballot three of its members, one to serve for one year, one to serve for two years, and one to serve for three years, or until their successors may be elected as provided in this Act, as members of the board of trustees and shall immediately certify the election to the governing body of the city. Annually thereafter, during the period after December 1 of one year and before the first Monday in January of the following year, the board of trustees shall call an election by the members of the fund to elect by ballot and certify [on the first Monday in the month of January after the effective date of this Act, the fire department shall elect by ballot and certify,] one fire fighter member of such board of trustees for a three-year term. A newly elected board member takes office at the first board meeting in January.

(c) The administrative cost of an election under this section may be paid from the assets of the fund. Assets of the fund may not be used to pay campaign expenses incurred by or for a member. Administrative office supplies and equipment belonging to the fund may not be used to assist any candidate or person seeking to assist a candidate for a position on the board of trustees.

(d) The board of trustees shall elect annually from among their number a vice-chairman who shall act as chairman in the absence or disability of the mayor-chairman. The board of trustees shall hold regular monthly meetings at a time and place as it may by resolution designate and may hold special meetings on call of the chairman as he may deem necessary; shall keep accurate minutes of its meetings and records of its proceedings; shall keep separate from all other city funds all money for the use and benefit of the fire fighter's relief and retirement fund; shall keep a record of all claims, receipts, and disbursements in a book or books to be furnished by the city for the purpose; shall make disbursements from the fund only on regular voucher signed by the treasurer and countersigned by the chairman or vice-chairman and at least one other member of the board of trustees. The city treasurer, as the treasurer of the board of trustees, shall be the custodian of the fire fighter's relief and retirement fund for the city, except for funds deposited in an investment custody account pursuant to an investment custodial agreement described by Section 18(h) of this Act, under penalty of his official bond and oath of office.

(e) No member of the board of trustees may receive compensation for service on the board of trustees.

(f) The board of fire fighter's relief and retirement fund trustees of each such city or town in this state shall annually and not later than the 31st day of January of each year after this Act takes effect, make and file with the city treasurer a detailed and itemized report of all receipts and disbursements with respect to the fund, together with a statement of their administration, and shall make and file other reports and statements or furnish further information as from time to time may be required or requested by the city treasurer.

(g) The board of trustees shall have the power and authority to compel witnesses to attend and testify before it with respect to all matters connected with the operation of this Act in the same manner as is or may be provided for the taking of testimony before notaries public, and its chairman shall have the power and authority to administer oaths to witnesses.

(h) A majority of all members shall constitute a quorum to transact business, and any order of the board of trustees shall be made by vote to be recorded in the minutes of its proceedings.

(i) If a vacancy occurs in the membership of the board of trustees by reason of the death, resignation, removal, or disability of an incumbent, the vacancy shall be filled in the manner provided in this Act for the selection of the member to be so succeeded.

SECTION 3. Section 3(a), Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a)(1) Any fire fighter ~~[person]~~ who has been duly appointed and enrolled and who has performed service ~~[attained the age of 55 years or served actively for a period of 30 years, regardless of age, that service having been performed]~~ in any rank, as a fully paid fire fighter ~~[fireman]~~, in one or more ~~[regularly organized]~~ fire departments in any city in this state covered by the provisions of this Act may retire and be entitled to receive from the fire fighter's relief and retirement fund of that city a monthly pension equal to 2-1/2 percent of his average monthly salary multiplied by the number of the person's years of service and any fraction of a year ~~[and months]~~ of service, if the fire fighter:

(A) has attained the age of 55 years and completed at least 10 years of service; or

(B) has served actively for a period of at least 30 years, regardless of age.

(2) The maximum permissible employer-derived annual benefit is the lesser of \$90,000 or 100 percent of the participant's highest average annual compensation. Highest average annual compensation is the average compensation for the three consecutive calendar years of service with the department that produces the highest average. If the annual benefit begins before age 62, the maximum permissible annual benefit may not exceed the lesser of the actuarial equivalent of a \$90,000 annual benefit beginning at age 62 or the participant's highest average annual compensation. This actuarial adjustment may not reduce the \$90,000 limitation below \$75,000 if the benefit begins at or after age 55. If the annual benefit begins before age 55, the maximum permissible annual benefit may not exceed the greater of (1) the actuarial equivalent of a \$75,000 annual benefit beginning at age 55, (2) the actuarial equivalent of a \$90,000 annual benefit beginning at age 62, or (3) \$50,000. To determine actuarial equivalence of a benefit beginning before age 62, the interest rate assumption is the rate adopted by the board of trustees in the proper administration of the fund, but not less than five percent. If the annual benefit begins after age 65, the benefit may not exceed the lesser of the actuarial equivalent of a \$90,000 annual benefit beginning at age 65 or the participant's highest average annual compensation. To determine actuarial equivalence of a benefit beginning after age 65, the interest rate assumption is the rate adopted by the board of trustees in the proper administration of the fund, but not more than five percent.

(3) Both the \$90,000 limitation and the \$50,000 limitation will be automatically adjusted to new dollar limitation amounts as determined by the commissioner of the Internal Revenue Service for subsequent calendar years effective as of January 1 of those years. A new limitation will apply to limitation years ending within the calendar year of the date of the adjustments.

(4) The \$50,000 limitation applies only to participants whose service used in determining benefits under this section includes at least 20 years of service as a full-time fire fighter of the city.

SECTION 4. Section 5(a), Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a)(1) A fire fighter's normal retirement age is the earliest age at which the fire fighter will be at least 55 years of age and will have completed at least 10 years of

service, or the earliest age at which the fire fighter would have completed at least 30 years of service had the fire fighter not terminated employment.

(2) Any fire fighter [fireman] who terminates employment after having [has] served [in the fire department of the city] for a period of at least 10 years in any fire department covered by this Act and who has contributed to the fire fighter's relief and retirement fund of the city for a period of at least 10 years, shall be entitled to receive a pension allowance beginning at the end of the month in which the fire fighter attains a normal retirement age [at the age of 55 years], provided that the following conditions are met:

(A) [(+)] on termination of employment, the fire fighter [fireman] shall leave his contributions in the fund, and shall not be required to make any further contributions to the fund;

(B) [(2)] the pension allowance shall be based on the monthly average of the fire fighter's [fireman's] total salary for the highest 36 months during the fire fighter's [fireman's] service excluding overtime pay, any temporary pay in higher classifications, educational incentive pay, assignment pay, Christmas Day bonus pay, and pay for automobile and clothing allowances; and

(C) [(+)] the pension allowance shall be calculated by the formula, as set out in Section 3(a) of this Act, in effect at the time the fire fighter [fireman] terminated his employment.

SECTION 5. Section 6, Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243c.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. (a) If a person[;] serving as an active fire fighter [fireman] duly enrolled in a [regularly active] fire department covered by this Act becomes disabled for either physical or mental reasons before meeting the requirements to qualify for a service retirement benefit described by Section 3(a) of this Act, the board of trustees shall, on his request, or without his request if it shall deem proper and for the good of the department, retire the fire fighter [person] from active service and order that he be paid from the fire fighter's relief and retirement fund of the city a monthly amount equal to his accrued unreduced pension as determined under Section 3(a) of this Act. If a fire fighter [person] becomes disabled as described in this section, the amount to be paid shall not be less than the amount computed under Section 3(a) of this Act when 20 years of service is assumed. In order for a fire fighter to receive these benefits for the first 2-1/2 years, the fire fighter [person] must be unable to perform the duties of the person's occupation as a fire fighter.

(b) In order to receive [these] benefits under Subsection (a) of this section after this 2-1/2-year period, the disabled person must be unable to be gainfully employed. The board may require any person receiving disability benefits provided for in this Act to provide evidence of annual income. The evidence may be considered in any determination of ability to be gainfully employed. The board may, in its discretion, reduce or discontinue disability payments to a person on the failure or refusal of the person to provide such evidence as is directed by the board.

(c) [(b)] If a person serving as an active fire fighter [fireman] enrolled in a regularly active fire department becomes totally and permanently disabled from any cause for either physical or mental reasons after meeting the requirements to qualify for a service retirement benefit as described under Section 3(a) of this Act, the person is eligible to receive a disability pension under Subsection (a) of this section. In this Act, a total disability is a disability caused by illness or bodily injury that makes a person unable to work for pay or profit or to engage in any business or occupation for which the person is suited by education, training, or experience. A total disability is permanent when it has continued without break for at least nine months and is expected to continue indefinitely.

(d) [(c)] If, during the first 2-1/2 years, the fire fighter recovers to the extent that the person is able to perform the duties of the person's job as a fire fighter, the

board of trustees may terminate the fire fighter's disability benefit and restore the person to active service at not less than the same rank the person held at the time of retirement for disability.

(e) [(d)] After the disabled fire fighter has received disability benefits from the fund for at least 2-1/2 years, the board of trustees may review the situation of the disabled fire fighter to determine the status of the person's disability. If the fire fighter has recovered to the extent that the fire fighter [person] is able to be gainfully employed, the board of trustees may, at its discretion:

- (1) continue to pay a full disability benefit to the disabled fire fighter;
- (2) elect to pay the disabled fire fighter a partial disability benefit in an amount commensurate with the person's disability as determined by the board;
- (3) discontinue payment of a disability benefit to the fire fighter; or
- (4) discontinue payment of a disability benefit to the fire fighter and restore the fire fighter to active service at not less than the same rank the person held at the time of retirement for disability.

(f) [(e)] The board of trustees may reinstate any disability benefit that has been previously terminated or reduced if the disabled fire fighter's condition has worsened due to the same cause for which the person was originally disabled.

(g) [(f)] This section applies even if a fire fighter is [fireman-was] disabled while gainfully employed by someone other than the fire department by which the person is also [was] employed.

(h) [(g)] No person may receive retirement benefits under this section for any period during which that person received full salary or compensation, including payment received while on sick leave.

(i) A fire fighter may not be retired for disability except as provided by this Act or receive any allowance for disability from the fund, until a certificate of disability or eligibility has been signed by a physician of the member's choice and filed with and approved by the board of trustees. The member shall pay any costs imposed by a physician the member chooses to certify a disability or eligibility. The board of trustees, at its cost, may obtain additional medical opinions before approving or disapproving a disability retirement.

(j) The board of trustees at any time may require any fire fighter retired for disability under this Act to appear and undergo a medical examination by the city physician or any other physician appointed or selected by the board of trustees for that purpose. The result of the examination and report by the physician shall be considered by the board of trustees in determining whether the disability retirement benefit will be continued, increased (if less than the maximum provided by this Act), decreased, or discontinued in accordance with this section. If any fire fighter receiving a disability retirement benefit under this Act, after due notice from the board of trustees to appear and be reexamined, fails to appear or refuses to submit to reexamination, unless excused by the board, the board may reduce or entirely discontinue the benefit.

(k) If a fire fighter who is covered by this Act has ever experienced a reduction in the fire fighter's disability benefit on the grounds that the fire fighter was receiving a workers' compensation benefit at the same time the fire fighter was receiving a disability benefit under this Act, the fund shall:

(1) pay the fire fighter, beginning with the fire fighter's next monthly benefit payment, the full, unreduced disability benefit that the fire fighter is entitled to under this Act; and

(2) pay the fire fighter, as soon as it is reasonably possible, a lump-sum amount equal to the difference between the reduced disability payments the fire fighter has received and the full, unreduced disability payments that the fire fighter would have been entitled to receive during this period of time except for the reduction in the amount of workers' compensation benefits.

(h) If a fire fighter is receiving a weekly workers' compensation benefit because of the same injury that has entitled him to a disability benefit from this fund in accordance with this section and that has resulted in either total and permanent disability or partial disability, the disability benefit payable under Subsection (a) of this section shall be reduced by the monthly equivalent of the weekly workers' compensation benefit for as long as the weekly workers' compensation benefit is paid. If a totally and permanently disabled fire fighter receives a lump-sum payment in lieu of weekly workers' compensation benefits, the disability benefit payable under Subsection (a) of this section shall be reduced by the amount of the lump-sum settlement converted to equivalent monthly amounts. The method of conversion depends on the length of time the workers' compensation benefit would have been paid had it been paid weekly instead of in a lump sum.

[If the weekly workers' compensation benefit would have been payable for life, the lump-sum payment shall be converted by the fund's actuary to an actuarially equivalent monthly life annuity using an annuity purchase rate that is based on rates and tables applicable for the fund. The disability benefit payable under Subsection (a) of this section shall be reduced by this actuarially equivalent monthly annuity for the life of the fire fighter.]

[If the weekly workers' compensation benefit would have been payable for a specified period instead of the remaining lifetime of the fire fighter, the lump-sum payment shall be converted by the fund's actuary to an actuarially equivalent temporary life annuity payable for the specified period using an annuity purchase rate that is based on rates and tables applicable for the fund. The disability benefit payable under Subsection (a) of this section shall be reduced by this actuarially equivalent monthly annuity for the specified period.]

SECTION 6. Section 10, Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by amending Subsections (c) and (g) and adding Subsections (h), (i), (j), (k), and (l) to read as follows:

(c) Any person who enters service as a fire fighter [fireman] in any city that has a fire fighter's [firemen's] relief and retirement fund to which he is eligible for membership shall become a member of the fund as a condition of his appointment, and shall, by acceptance of the appointment, agree to make the contributions required by this Act of fire fighter members of the fund and is eligible to participate in the benefits of membership in the fund as provided in this Act. However, no fire fighter [person] is eligible to membership in the fund who has reached his 30th birthday at the time he enters service as a fire fighter [fireman], and any person who enters service as a fire fighter [fireman] may be denied or excused from membership in the fund if the board of trustees of the fund determines that he is not of sound health. The fire fighter being considered for membership [applicant] shall pay the cost of any physical examination required by the board of trustees for this purpose.

(g) When, in the opinion of the board of trustees, there is on hand in the fire fighter's [firemen's] relief and retirement fund of any city under this Act a surplus over and above a reasonable and safe amount to take care of the current demands on the fund, the surplus, or so much of it as in the judgment of the board is deemed safe, may be invested in:

- (1) United States Treasury notes, bonds, and bills;
- (2) United States government agency obligations;
- (3) corporate bonds rated "A" or better by Moody's or Standard and

Poor's;

- (4) preferred corporate stocks;
- (5) commercial paper rated "P2" or better by Standard and Poor's and
"A2" or better by Moody's bond ratings;

(6) state, county, or municipal bonds;

(7) shares or share accounts of savings and loan associations, if the shares or share accounts are insured by the Federal Savings and Loan Insurance Corporation;

(8) shares or share accounts of banks, if the shares or share accounts are insured by the Federal Deposit Insurance Corporation;

(9) short-term investment funds, mutual funds, or their equivalent, which may include investments in bank certificates of deposit;

(10) notes and other evidence of debt secured by mortgages insured or guaranteed by the Federal Housing Administration under the National Housing Act;

(11) common stocks of companies incorporated within the United States that have paid cash dividends for at least five consecutive years immediately before the date of purchase, are rated "B" or better by Standard and Poor's or are equivalent, and are listed on an exchange registered with the Securities and Exchange Commission; and

(12) common stocks of foreign corporations that are designated in United States dollars and are registered with the Securities and Exchange Commission [federal, state, county, or municipal bonds, and in shares or share accounts of savings and loan associations, where the shares or share accounts are insured under and by virtue of the Federal Savings and Loan Insurance Corporation, and in the securities in which the state Permanent School Fund of Texas or the Permanent University Fund of The University of Texas may be invested under present laws, and may also invest in notes and other evidence of debt secured by mortgages insured or guaranteed by the Federal Housing Administration under the provisions of the National Housing Act, and the interest or dividends shall be deposited into the fund and become a part of it].

(h) An investment in corporate bonds that meets the requirements of Subsection (g)(3) of this section at the time of purchase is not required to be sold because the bonds' rating is subsequently reduced to a rating that is not more than one major classification lower than the requirements. Interest or dividends on investments shall be deposited into the fund and become part of it. The fund may not own more than five percent of the voting stock of any one corporation. Under an investment measure at cost:

(1) total fixed-income investments should not represent less than 50 percent or more than 80 percent of the value of the investment portfolio;

(2) total investments in common stocks should not represent less than 20 percent or more than 50 percent of the value of the investment portfolio;

(3) total investments in common stocks of foreign corporations may not represent more than five percent of the value of the investment portfolio; and

(4) total investments in any one corporation may not represent more than three percent of the value of the investment portfolio.

(i) A person or financial institution is a fiduciary of a fire fighter's relief and retirement fund established under this Act to the extent that the person or the financial institution:

(1) exercises any discretionary authority or discretionary control over management of the fire fighter's relief and retirement fund or exercises any authority or control over management or disposition of the assets of the fund;

(2) renders or has authority or responsibility to render investment advice for a fee or other compensation, direct or indirect, concerning any money or other property of the fund; or

(3) has any discretionary authority or discretionary responsibility over the administration of the fund.

(j) A fiduciary of a fire fighter's relief and retirement fund established under this Act may not cause the fund to engage in a transaction if the fiduciary knows or should know that the transaction constitutes a direct or indirect:

(1) sale, exchange, or lease of any property from the fund to a party for less than adequate consideration, or from a party to the fund for more than adequate consideration;

(2) loan of money or other extension of credit from the fund to a party without the receipt of adequate security and a reasonable rate of interest, or from a party to the fund with provision of excessive security or an unreasonably high rate of interest;

(3) furnishing of goods, services, or facilities from the fund to a party for less than adequate consideration, or from a party to the fund for more than adequate consideration; or

(4) transfer to, or use by or for the benefit of, a party of any assets of the fund for less than adequate consideration.

(k) A fiduciary of a fire fighter's relief and retirement fund established under this Act may not:

(1) deal with the assets of the fund in the fiduciary's own interest or for the fiduciary's own account;

(2) in the fiduciary's individual or any other capacity act in any transaction involving the fund on behalf of a party whose interests are adverse to the interests of the fund or the interest of its participants or beneficiaries; or

(3) receive any consideration for the fiduciary's own personal account from any party dealing with the fund in connection with a transaction involving the assets of the fund.

(l) The board of trustees may purchase insurance indemnifying the members of the board of trustees against personal loss or accountability from liability resulting from a member's act or omission as a member of the board of trustees.

SECTION 7. Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended by adding Section 10A to read as follows:

Sec. 10A. (a) Each fire fighter's relief and retirement fund established under this Act is composed of two accounts, the expense account and the general account. The expense account is the account from which administrative expenses of the fund are paid. The general account is the account from which expenses and financial obligations other than administrative expenses, such as retirement benefits and refunded contributions, are paid.

(b) Interest earned by the fund shall be credited to the general account. The board of trustees by resolution recorded in its minutes may from time to time transfer from the general account to the expense account the amount that is needed to pay the fund's expenses.

SECTION 8. Section 16, Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. (a) If a fire fighter is absent from service with the fire department for less than five years because of military service and returns to service with the fire department not later than the 180th day after the date of discharge or release from military service, the fire fighter will receive service credit for both the fire fighter's previous period of service with the fire department and the period of military service, if the fire fighter has left the fire fighter's contributions in the fund.

(b) If a fire fighter is absent from service with the fire department for less than five years for reasons other than military service and returns to service with the fire department, the fire fighter will receive service credit for the fire fighter's previous period of service with the fire department if the fire fighter has left the fire fighter's

contributions in the fund. Credit may not be given for the period the fire fighter is absent from service as described by this subsection.

(c) If a fire fighter who has less than 10 years of service credit in the fund is absent from service with the fire department for at least five years for any reason, the fund will refund the fire fighter's accumulated contributions, and the fire fighter will forfeit the fire fighter's service credit with the fund. If, on the expiration of two years after the five-year period of absence, the fund is unable to refund the fire fighter's accumulated contributions, the fire fighter's accumulated contributions will escheat to the fund. However, if the fire fighter who was formerly a member of the fund later claims the fire fighter's accumulated contributions, the fund shall refund this amount to the fire fighter.

(d) [In computing the time or period for retirement for length of service as provided in this Act, any time served in the armed forces of the nation during war or national emergency shall be construed as continuous service. If a person is out of service less than five years for another reason, credit shall be given for prior service, but deduction made for the length of time out of service. If out of service more than five years, no previous service shall be counted, provided however, that if a fireman is out of service over five years through no fault of his own and subsequently returns to the department, this period of previous service time shall not be counted against him insofar as his retirement time is concerned. He shall not be entitled to any disability benefits on account of any sickness or injury received before the statement was filed:] A fire fighter may not be granted service credit for time during which the person receives a disability pension from the fund.

SECTION 9. Section 17, Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 17. The city attorney, without additional compensation, shall appear for and represent the board of trustees of that city in all cases of appeal by any claimant from the order or decision of the board of trustees. The board of trustees, however, may retain additional legal counsel in cases of that type or in other matters affecting the operation of the fund.

SECTION 10. Sections 8, 9, 14, and 15, Chapter 183, Acts of the 64th Legislature, 1975 (Article 6243e.1, Vernon's Texas Civil Statutes), are repealed.

SECTION 11. This Act takes effect September 1, 1989.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Barrientos and by unanimous consent, the Senate concurred in the House amendment to S.B. 800 viva voce vote.

(Senator Parker in Chair)

HOUSE BILL 1840 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1840, Relating to the unlawful interference with a school bus.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1840 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 1840** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 88, Relating to business entities that are exempt from taxation in an emergency services district. (As amended)

S.B. 791, Relating to the reconveyance by the State of property acquired for highway purposes.

S.B. 969, Relating to the regulation of credit unions.

S.B. 1654, Relating to the salary of the judge of the County Court at Law of Johnson County and to the service of that judge on the county juvenile board.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1551 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1551, Relating to the conduct of voter registration activities on the premises of certain state agencies.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1551 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1551** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1338 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1338, Relating to the punishment and sentencing for the offense of possessing, manufacturing, transporting, repairing, or selling a machine gun.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Carriker and Washington asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 1338 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1338** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Carriker, Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Carriker and Washington asked to be recorded as voting “Nay” on the final passage of the bill.

SENATE JOINT RESOLUTION 75 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 75, Proposing a constitutional amendment providing for issuance of general obligation bonds to finance a housing trust fund.

The resolution was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting “Nay” on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 75 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.J.R. 75** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Washington.

Absent-excused: Glasgow, McFarland.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Bivins.

Absent-excused: Glasgow, McFarland.

**COMMITTEE SUBSTITUTE
SENATE BILL 355 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 355, Relating to court-ordered mental health treatment of a prisoner who is charged with a misdemeanor.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 355 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 355** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

SENATE BILL 485 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 485, Relating to an exemption from tuition and laboratory fees for volunteer fire fighters enrolled in certain courses at public institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 485 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 485** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1584 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1584, Relating to the authority of a peace officer to make an arrest without a warrant for the criminal offense of violation of a court order and for the criminal offense of assault.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 1584** by striking everything below the enacting clause and substituting the following:

SECTION 1 Article 14.03, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and by adding Subsections (d) and (e) to read as follows:

(a) Any peace officer may arrest, without warrant:

(1) persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws;

(2) persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to another person and the peace officer has probable cause to believe that there is danger of further bodily injury to that person; ~~or~~

(3) persons who the peace officer has probable cause to believe have committed the offense defined by Section 25.08, Penal Code (violation of Court Order), whether or not the offense is committed in the presence of the peace officer; or

(4) persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to a member of the person's family or household.

(b) If reasonably necessary to verify an allegation of a violation of a protective order or of the commission of an assault against a member of the family or household, a peace officer shall remain at [follow the procedures established under Section 71.18, Family Code, without leaving] the scene of the investigation to verify the allegation and to prevent [if there is a possibility of] the further commission of family violence.

(d) The justification for conduct provided under Section 9.21, Penal Code, applies to a peace officer when the peace officer is performing a duty required by this article.

(e) In this article, "family," "household," and "member of a household" have the meanings assigned to those terms by Section 71.01, Family Code.

SECTION 2 The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1584 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1584** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

(Senator Brooks in Chair)

SENATE BILL 1395 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1395, Relating to identification requirements regarding certain transactions involving the sale or pawning of personal property, and to certain presumptions in the prosecution of theft offenses involving the receipt of stolen property.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1395 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1395** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Dickson, Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Dickson asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1540 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1540, Relating to access to public information maintained by or for governmental bodies.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **C.S.S.B. 1540** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subsections (a) and (c), Section 3, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) All information collected, assembled, or maintained by or for governmental bodies, except in those situations where the governmental body does not have either a right of access to or ownership of the information, pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

(2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;

(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

(4) information which, if released, would give advantage to competitors or bidders;

(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

(6) drafts and working papers involved in the preparation of proposed legislation;

(7) matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure;

(8) records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution;

(9) private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;

(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a party ~~[other than one]~~ in litigation with the agency;

(12) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act;

(13) geological and geophysical information and data including maps concerning wells, except information filed in connection with an application or proceeding before any agency or an electric log confidential under Subchapter M, Chapter 91, Natural Resources Code;

(14) student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel, the student involved, that student's parent, legal guardian, or spouse or a person conducting a child abuse investigation required by Section 34.05, Family Code;

(15) birth and death records maintained by the Bureau of Vital Statistics of the Texas Department of Health or by a local registration official;

(16) the audit working papers of the State Auditor;

(17) the home addresses and home telephone numbers of each official and employee of a governmental body except as otherwise provided by Section 3A of this Act, and of peace officers as defined by Article 2.12, Code of Criminal Procedure, 1965, as amended, or by Section 51.212, Texas Education Code; ~~[and]~~

(18) information contained on or derived from triplicate prescription forms filed with the Department of Public Safety pursuant to Section 3.09 of the Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes); ~~[and]~~

(19) photographs that depict a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, the release of which would endanger the life or physical safety of the officer, unless:

(A) the officer is under indictment or charged with an offense by information; or

(B) the officer is a party in a fire or police civil service hearing or a case in arbitration; or

(C) the photograph is introduced as evidence in a judicial proceeding; ~~[-]~~

~~(20)~~ ~~[(19)]~~ rare books and original manuscripts which were not created or maintained in the conduct of official business of a governmental body and which are held by any private or public archival and manuscript repository for the purposes of historical research;

~~(21)~~ ~~[(20)]~~ oral history interviews, personal papers, unpublished letters, and organizational records of nongovernmental entities, which were not created or maintained in the conduct of official business of a governmental body and which are held by any private or public archival and manuscript repository for

the purposes of historical research, to the extent that the archival and manuscript repository and the donor of the interviews, papers, letters, and records may agree to limit disclosure of the item; and

(22) [(2+)] curriculum objectives and test items developed by educational institutions that are funded wholly or in part by state revenue and test items developed by licensing agencies or governmental bodies.

(c) The custodian of the records may in any instance within his discretion make public any information protected under the exceptions contained within Section 3, Subsection (a), that is not deemed confidential by law [6, 9, 11, and 15]. The custodian of a photograph exempt from disclosure under Section 3(a)(19) may make the photograph public, but only if the officer gives written consent to the disclosure.

SECTION 2. Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended by adding Section 3B to read as follows:

Sec. 3B. SPECIAL RIGHT OF ACCESS TO CONFIDENTIAL INFORMATION. (a) A person or the authorized representative of a person has, beyond the right of the general public, a special right of access to and to copies of any records held by a governmental body that contain information relating to the person that is protected from public disclosure by laws intended to protect that person's privacy interests. The fact that the information is deemed confidential by privacy principles under this Act does not grant the governmental body the right to deny access to the person, or the person's representative, to whom the information relates.

(b) Consent for the release of information excepted from disclosure to the general public but available to a specific person under Subsection (a) of this section must be in writing and signed by the specific person or the person's authorized representative. A person under 18 years of age may consent to the release of information under this subsection only with the additional written authorization of the person's parent or guardian. A person who has been adjudicated incompetent to manage the person's personal affairs or for whom an attorney ad litem has been appointed may consent to the release of information under this subsection only by the written authorization of the designated legal guardian or attorney ad litem.

(c) A release of information pursuant to Subsection (a) of this section is not a prohibited release of information to the public under Subsection (a) of Section 10 of this Act.

(d) A person who receives information obtained under this section may disclose the information to others only to the extent consistent with the authorized purposes for which consent to release the information was obtained.

(e) If a governmental body determines that information covered by a special right of access under this section is excepted from disclosure under any other exception under Subsection (a) of Section 3 of this Act, the governmental body shall, before disclosing the information, submit a written request for a decision to the attorney general under the procedures described in Section 7 of this Act. If a decision is not so requested, the governmental body shall release the information to the person with a special right of access under this section within 10 days of receiving the request for information.

SECTION 3. Section 7, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. ATTORNEY GENERAL OPINIONS. (a) If a governmental body receives a written request for information which it considers within one of the exceptions stated in Section 3 of this Act, but there has been no previous determination that it falls within one of the exceptions, the governmental body

within a reasonable time, no later than ten calendar days, after receiving a written request must request a decision from the attorney general to determine whether the information is within that exception. If a decision is not so requested, the information shall be presumed to be public information.

(b) The attorney general shall forthwith render a decision, consistent with standards of due process, to determine whether the requested information is a public record or within one of the above stated exceptions. The specific information requested shall be supplied to the attorney general but shall not be disclosed to the public or the requesting party until a final determination has been made by the attorney general or, if suit is filed under the provisions of this Act, until a final decision has been made by the court with jurisdiction over the suit. In a suit filed under this Act, the court may order that the information at issue be discovered only pursuant to a protective order until a final determination is made. If the governmental body wishes to withhold information, it must submit written comments setting forth the reasons why the information should be withheld. Any member of the public may submit written comments setting forth the reasons why the information should or should not be released. The attorney general shall issue a written opinion based upon the determination made on the request.

SECTION 4. Section 8, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. WRIT OF MANDAMUS. (a) If a governmental body refuses to request an attorney general's decision as provided in this Act, or to supply public information or information which the attorney general has determined to be a public record, the person requesting the information or the attorney general may seek a writ of mandamus compelling the governmental body to make the information available for public inspection.

(b) In an action brought under this section or Subdivision (3) of Subsection (c) of Section 10, the court may assess costs of litigation and reasonable attorney's fees incurred by a plaintiff or defendant who substantially prevails. In exercising its discretion, the court shall consider whether the conduct of the governmental body had a reasonable basis in law and whether the litigation was brought in good faith.

SECTION 5. Section 9, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended by amending Subsections (a), (b), (c), and (d) and by adding Subsections (g) and (h) to read as follows:

(a) The cost to any person requesting noncertified photographic reproductions of public records comprised of pages up to legal size shall not be excessive. The State Purchasing and General Services Commission ~~[Board of Control]~~ shall from time to time determine guidelines on the actual cost of standard size reproductions and shall periodically publish these cost figures for use by governmental bodies ~~[agencies]~~ in determining charges to be made pursuant to this Act. The cost of obtaining a standard or legal size photographic reproduction shall be in an amount that reasonably includes all costs related to reproducing the record, including costs of materials, labor, and overhead unless the request is for 50 pages or less of readily available information.

(b) Charges made for access to public records comprised in any form other than up to standard sized pages or in computer record banks, microfilm records, or other similar record keeping systems, shall be set upon consultation between the custodian of the records and the State Purchasing and General Services Commission ~~[Board of Control]~~, giving due consideration to the expenses involved in providing the public records making every effort to match the charges with the actual cost of providing the records. The costs of providing the record shall be in an amount that

reasonably includes all costs related to providing the record, including costs of materials, labor, and overhead.

(c) It shall be the policy of all governmental bodies to provide suitable copies of all public records within a reasonable period of time after the date copies were requested. Every governmental body is hereby instructed to make reasonably efficient use of each page of public records so as not to cause excessive costs for the reproduction of public records.

(d) The charges for copies made in the district clerk's office and the county clerk's office may not be greater than the actual cost of the copies as provided in Subsections (a) and (b) of this section unless a certified record, the cost for which is set by law, is requested ~~[shall be as otherwise provided by law]~~.

(g) Public records shall be furnished without charge or at a reduced charge if the governmental body determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(h) If a governmental body refuses or fails to provide copies of public records at the actual cost of reproducing the records as provided in Subsections (a) and (b) of this section, a person who overpays shall be entitled to recover three times the amount of the overcharge; provided, however, that the governmental body did not act in good faith in computing the costs.

SECTION 6. Subsections (c), (d), and (e), Section 10, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) It is an affirmative defense to prosecution under Subsection (b) of this section that the custodian of public records reasonably believed that the public records sought were not required to be made available to the public and that he:

(1) acted in reasonable reliance upon a court order or a written interpretation of this Act contained in an opinion of a court of record or of the attorney general issued under Section 7 of this Act;

(2) requested a decision from the attorney general in accordance with Section 7 of this Act, and that such decision is pending; or

(3) within 10 calendar ~~[three working]~~ days of the receipt of a decision by the attorney general that the information is public, filed a petition for a declaratory judgment, a writ of mandamus, or both against the attorney general, in a Travis County district court [cause of action] seeking relief from compliance with such decision of the attorney general, and that the petitions are [such cause is] pending.

(d) It is, further, an affirmative defense to prosecution under Subsection (b) of this section that a person or entity has, within 10 calendar days of the receipt by a governmental body of a decision by the attorney general that the information is public, filed a cause of action seeking relief from compliance with the decision of the attorney general, and that the cause is pending.

(e) It is an affirmative defense to prosecution under Subsection (b) of this section that the defendant is the agent of a custodian of public records and that the agent reasonably relied on the written instruction of the custodian of public records not to disclose the public records requested.

(f) [(e)] Any person who violates Section 10(a) or 10(b) of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by confinement in the county jail not to exceed six (6) months or fined in an amount not to exceed \$1,000, or by both such fine and confinement. A violation under this section constitutes official misconduct.

SECTION 7. Section 14, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

(f) This Act does not affect the scope of civil discovery under the Texas Rules of Civil Procedure. The exceptions from disclosure under this Act do not create new privileges from discovery.

SECTION 8. This Act takes effect September 1, 1989.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted viva voce vote.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1540 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1540 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1550 ON SECOND READING**

Senator Ratliff moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1550, Relating to the applicability of the Texas Workers' Compensation Act to certain employers and employees.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Ratliff, Santiesteban, Sims, Tejada, Washington, Whitmire.

Nays: Caperton, Dickson, Edwards, Lyon, Parker, Parmer, Truan, Uribe, Zaffirini.

Absent: Montford.

Absent-excused: Glasgow, McFarland.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

(Senator Barrientos in Chair)

SENATE CONCURRENT RESOLUTION 154

Senator Armbrister offered the following resolution:

WHEREAS, The Senate has passed House Bill 301 and returned it to the House of Representatives; and

WHEREAS, Further consideration of the bill by the Senate is necessary; now, therefore, be it

RESOLVED by the 71st Legislature of the State of Texas, that the Chief Clerk of the House be authorized to return H.B. 301 to the Senate for further consideration.

The resolution was read.

On motion of Senator Armbrister and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1550 ON SECOND READING**

The Senate resumed consideration of C.S.S.B. 1550 on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

(President in Chair)

Senator Parker moved to postpone further consideration of C.S.S.B. 1550 until 11:00 a.m. Friday, May 19, 1989.

Senator Washington made a substitute motion to postpone further consideration on C.S.S.B. 1550 until the conclusion of the Committee of the Whole Senate at 2:00 p.m. tomorrow.

Question on postponement until the conclusion of Committee of the Whole tomorrow, the motion was lost by the following vote: Yeas 13, Nays 15.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Haley, Henderson, Krier, Leedom, Ratliff, Sims, Tejeda, Washington.

Nays: Barrientos, Caperton, Dickson, Edwards, Green, Johnson, Lyon, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Whitmire, Zaffirini.

Absent: Harris.

Absent-excused: Glasgow, McFarland.

Question on postponement until 11:00 a.m. Friday, May 19, 1989, the motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Green, Haley, Henderson, Johnson, Lyon, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Krier, Leedom, Ratliff, Sims, Tejeda, Washington.

Absent: Harris.

Absent-excused: Glasgow, McFarland.

SENATE BILL 1051 WITH HOUSE AMENDMENT

Senator Krier called S.B. 1051 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment - Seidlits

Amend S.B. 1051 by adding the following language to SECTION 1, page 1, line 21 after the word "services":

“, provided however, nothing in this Section shall allow an affiliate or division to engage in the sale or business of insurance if not otherwise permitted to do so.”

The amendment was read.

On motion of Senator Krier and by unanimous consent, the Senate concurred in the House amendment to S.B. 1051 viva voce vote.

SENATE BILL 1207 WITH HOUSE AMENDMENTS

Senator Santiesteben called S.B. 1207 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - T. Smith

Amend S.B. 1207 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 50.301, Water Code, is amended to read as follows:

Sec. 50.301. NOTICE TO PURCHASERS. (a) Any person who ~~[sells or conveys]~~ proposes to sell or convey real property located in a district which was created under this title or by special act of the legislature, which is providing or proposing to provide, as the district's principal function, water, ~~[and] sewer, drainage and flood control or protection facilities or services, or [either] any of these facilities or services that have been financed or are proposed to be financed with bonds of the district payable in whole or in part from taxes of the district, to household or commercial users, other than agricultural or irrigation users, and which district includes less than all the territory in at least one (1) county and which, if located within the corporate area of a city, includes less than 75 percent of the incorporated area of the city or which is located outside the corporate area of a city in whole or in substantial part, must first give to the purchaser the written notice provided in this section.~~

The provisions of this section shall not be applicable to: (i) transfers of title under any type of lien foreclosure, (ii) transfers of title by deed in cancellation of indebtedness secured by a lien upon the property conveyed, or (iii) transfers of title by reason of a will or probate proceedings.

(b) The prescribed notice shall be a separate written document executed and acknowledged by the seller and shall read as follows:

“The real property, described below, which you are about to purchase is located in the _____ District. The district has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the district is \$_____ on each \$100 of assessed valuation, and the most recently calculated no-growth debt service tax rate is \$_____ on each \$100 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or may, at this date, be issued is \$_____, and the aggregate initial principal amounts of all bonds payable in whole or in part from property taxes which have previously been issued is \$_____. The purpose of this district is to provide water, ~~[and] sewer, drainage and flood control facilities and services within the district through the issuance of bonds payable in whole or in part from property taxes [and user charges].~~ The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the district. The legal description of the property which you are acquiring is as follows:

Date

Signature of Seller

"The undersigned purchaser hereby acknowledges receipt of the foregoing notice prior to ~~[closing of]~~ execution of a binding contract for the purchase of real property described in such notice.

Date

Signature of Purchaser

"(Note: Correct district name, tax rates, no-growth debt service tax rate, bond amounts, and legal description are to be placed in the appropriate space by seller. ~~[Correct]~~ Except for notices included as part of a purchase contract, the notice shall be executed by the seller and purchaser, as indicated, and correct acknowledgments shall be provided for both seller and purchaser below. If the district does not propose to provide [water and sewer] one or more of the specified facilities and services, the appropriate purpose may be eliminated. If the district not yet levied taxes, a statement to such effect, together with the district's projected rate of debt service tax, shall be substituted.)"

(c) The notice required by this section shall be given to the prospective purchaser [at or] prior to [the final closing of the] execution of a binding contract of sale and purchase either separately or as a separate portion or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller providing the notice required by this subsection (c), the purchaser shall be entitled to terminate such contract. If, however, the seller furnishes the required notice at or prior to closing the purchase and sale contract and the purchaser elects to close even though such notice was not timely furnished prior to execution of the contract, it shall be conclusively presumed that the purchaser has waived all rights to terminate the contract and recover damages or other remedies or rights under the provisions of this Section 50.301.

(d) The purchaser shall sign and acknowledge the notice or the purchase contract including such notice to evidence the receipt of the notice.

(e) ~~[The notice, following execution, acknowledgment, and]~~ Following closing of purchase and sale, a separate copy of such notice shall be executed, acknowledged and recorded in the deed records of the county in which the property is located.

(f) For the purposes of this section, an executory contract of purchase and sale having a performance period of more than six months shall be considered a sale under Subsection (a) of this section.

(g) All sellers, and all persons completing the prescribed notice in the sellers' behalf, shall be entitled to rely on the information contained in or shown on the information form and map or plat filed by the district under Section 50.302 of this code in completing the prescribed form. Any information taken from the information form or map or plat filed by the district shall be for purposes of this section conclusively presumed as a matter of law to be correct and complete, and unless otherwise required by the express provisions of such contract, the timely furnishing of such notice shall be conclusively presumed as a matter of law to constitute adequate disclosure of all material facts and circumstances concerning the district. All subsequent sellers, purchasers, title insurance companies, examining attorneys, and lienholders shall be entitled to rely upon the information form and map or plat filed by the district.

(h) Unless otherwise required by the express provisions of such contract, if such notice is timely given, as provided in this section, a [A] purchaser, his heirs, successors, or assigns, shall not be entitled to maintain any action for damages or

maintain any action against a seller, title insurance company, or lienholder, or any agent, representative or person acting in their behalf, by reason of use by the seller of the information filed for record by the district in determining whether the property to be sold and purchased is within the district or failure of the seller to disclose any other facts and circumstances concerning the district. No action may be maintained against any title company for failure to disclose the inclusion of the described real property within a district when the district has not filed for record the information form, map, or plat with the county clerk.

(i) Any purchaser who purchases any real property in a district and who thereafter sells or conveys the same shall on closing of such subsequent sale be conclusively considered as having waived any prior right to damages under this section for his prior purchase.

(j) It is the express intent of this section that all sellers, title insurance companies, examining attorneys, and lienholders, and any agent, representative or person acting on their behalf, shall be entitled to rely on the accuracy and completeness of the information form and map or plat as last filed by each district and the adequacy of the disclosure of facts and circumstances concerning the district set forth therein.

(k) ~~[H]~~ Except as otherwise provided in Subsection (c) of this section, if any sale or conveyance of real property within a district is not made in compliance with the provisions of this section, the purchaser may institute a suit for damages under the provisions of either Subsection (l) or Subsection (m) of this section.

(l) A purchaser of real property covered by the provisions of this section, if the sale or conveyance of the property is not made in compliance with this section, may institute a suit for damages in the amount of all cost relative to the purchase of the property plus interest and reasonable attorney's fees. The suit for damages may be instituted jointly or severally against the person, firm, corporation, partnership, organization, business trust, estate, trust, association, or other legal entity which sold or conveyed the property to the purchaser. Following the recovery of damages under this subsection, the amount of damages shall first be paid to satisfy all unpaid obligations on each outstanding lien or liens on the property and the remainder of the damage amount shall be paid to the purchaser. On payment of all damages respectively to the lienholders and purchaser, the purchaser shall reconvey the property to the seller.

(m) A purchaser of real property covered by the provisions of this section, if the sale or conveyance of the property is not made in compliance with this section, may institute a suit for damages in an amount of not to exceed \$5,000, plus reasonable attorneys' fees.

(n) A purchaser is not entitled to recover damages under both Subsections (l) and (m) of this section, and entry of a final decision awarding damages to the purchaser under either Subsection (l) or Subsection (m) of this section shall preclude the purchaser from recovering damages under the other subsection. Notwithstanding any part or provision of the general or special laws or the common law of the State to the contrary, and unless otherwise set forth by express provision of a contract for sale and purchase of real property, the relief provided under Subsections (l) and (m) of this section shall be the exclusive remedies for a purchaser aggrieved by the seller's failure to comply with the provisions of this section or to disclose all material facts and circumstances concerning the district. Any action for damages shall not, however, apply to, affect, alter, or impair the validity of any existing vendor's lien, mechanic's lien, or deed of trust lien on the property.

(o) A suit for damages under the provisions of this section must be brought within 90 days after the purchaser receives his first district tax notice or within four years after the property is sold or conveyed to the purchaser, whichever time occurs first, or the purchaser loses his right to seek damages under this section.

(p) Notwithstanding any provisions of this subchapter to the contrary, a purchaser may not recover damages of any kind under this section if he:

- (1) purchases an equity in real property and in conjunction with the purchase assumes any liens, whether purchase money or otherwise; and
- (2) does not require proof of title by abstract, title policy, or any other proof of title.

SECTION 2. Section 50.302, Water Code, is amended to read as follows:

Sec. 50.302. FILING INFORMATION. (a) The governing board of any district covered by the provisions of Section 50.301 of this code shall file with the county clerk in each of the counties in which all or part of the district is located a duly affirmed and acknowledged information form which includes the information required by Subsection (b) of this section, and a complete and accurate map or plat showing the boundaries of the district.

(b) The information form filed by a district under this section shall include:

- (1) the name of the district;
- (2) the complete and accurate legal description of the boundaries of the district;
- (3) the most recent rate of district taxes on property located in the district;
- (4) the most recently calculated no-growth debt service tax rate of the district on property located in the district;
- [(4)] (5) the total amount of bonds payable in whole or in part from taxes (excluding refunding bonds) which have been approved by the voters and which may be issued by the district;
- (6) the aggregate initial principal amount of all bonds of the district payable in whole or in part from taxes (excluding refunding bonds) which have been previously issued;
- [(5)] (7) the date on which the election to confirm the creation of the district was held if such was required; and
- [(6)] (8) a statement of the functions performed or to be performed by the district.

For purposes of this section and Section 50.301, the no-growth debt service tax rate of the district shall be calculated annually, at the time of the levy of debt service taxes by the district, by dividing the aggregate maximum annual debt service payable in whole or in part from taxes on all outstanding bonds of the district by the current valuation of all taxable property in the district, as determined by the most recent certified appraisal roll of the district, and by multiplying the result by 100. The no-growth debt service tax rate so calculated shall not be reduced or offset by any receivables, reserves, net operating revenues, projected increases in taxable values or funds on hand or expected to be on hand from other sources, nor be increased by projected tax collection factors, additional anticipated debt or projected declines in taxable values. It is the express intent of this Subsection that the required debt service tax rate so calculated reflect only the rate of taxation which, absent such other factors, would be mathematically required to meet scheduled debt service requirements payable from taxes in such annual period.

If a district has not yet levied taxes, a statement to such effect, together with the district's projected rate of debt service tax determined at the time of creation of the district shall be substituted for clauses (3) and (4) of this Subsection.

(c) The information form and map or plat required by this section shall be signed by a majority of the members of the governing board of the district and by each such officer affirmed and acknowledged before it is filed with the county clerk, and each amendment made to an information form or map shall also be signed by the members of the governing board of the district and by each such officer affirmed and acknowledged before it is filed with the county clerk.

(d) The information form required by this section shall be filed with the county clerk within 48 hours after the district is officially created, whichever time comes first. For purposes of this section, the words "officially created" mean the date and hour in which the results of the election to confirm the creation of the district are declared.

(e) Within seven days after there is a change in any of the information contained in the district information form or map or plat, the district shall file an amendment to the information form or map setting forth the changes made; provided, however, that the information required under clause (4) of Subsection (b) of this section need only be amended at the time of change in the information required under clause (3) of Subsection (b) of this section.

(f) Any person who affirms the corrections and accuracy of and acknowledges an information form, map, or plat, or any amendment to an information form or map or plat which includes information which is inaccurate or incorrect shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$1,000 for each violation; provided, however, that the timely furnishing, affirmation, acknowledgment and recordation of the information and map or plat required by this section shall be conclusively presumed as a matter of law to constitute adequate disclosure of all material facts and circumstances concerning the district.

(g) If a district fails to file the information required by this section in the time required, the executive director, on his own or on request by any person, may request the attorney general, or the district or the county attorney of the county in which the district is located to seek a writ of mandamus to force the governing board of the district to prepare and file the necessary information.

(h) Any member of a governing board who wilfully fails or refuses to join in filing an information form, map, plat, or amendment to an information form shall be fined not less than \$100 nor more than \$1,000 for each violation. A member of a governing board is presumed to have wilfully failed or refused to join in the filing of an information form, map, plat, or amendment to an information form, map, or plat, if he was present at the meeting at which the information included in the information form, map, plat, or amendment to the information, map, or plat was adopted.

(i) If a district covered by the provisions of this section is dissolved, annexed to another local government or is consolidated with another district, the members of the governing board shall file a statement of this fact together with the effective date of the dissolution, annexation, or consolidation with the information form. After a district is dissolved and the statement is filed under this subsection, a person who sells or conveys property within the dissolved district is no longer required to give notice with the executive director.

(j) A copy of all information forms, maps, plats, and amendments to these filed under this section shall also be filed with the executive director.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1 - T. Smith

Amend C.S.S.B. 1207 by deleting the following wording: "Unless otherwise required by the express provisions of such contract, if" as set forth on lines 12 and 13, page 5 of C.S.S.B. 1207, and substituting in lieu thereof the following: "If".

Floor Amendment No. 2 - T. Smith

Amend C.S.S.B. 1207 by adding between the words “bonds” and “of” on line 19, page 9, of C.S.S.B. 1207, the following: “and contractual obligations”.

Floor Amendment No. 3 - T. Smith

Amend C.S.S.B. 1207 as follows:

- (1) On page 4, line 17, strike “Following” and substitute “At the”.
- (2) On page 4, line 18, between “and” and “recorded”, insert “thereafter”.
- (3) On page 9, line 7, between “district” and the semicolon, insert “and the total amount of all bonds which are proposed for financing of district facilities and services”.

Floor Amendment No. 4 - T. Smith

Amend C.S.S.B. 1207 as follows:

- (1) On page 12, between lines 16 and 17, insert new Sections 3 and 4 to read as follows:

SECTION 3. Subchapter I, Chapter 50, Water Code, is amended by adding Section 50.3011 to read as follows:

Sec. 50.3011. NOTICE TO PURCHASERS OF STANDBY FEES. (a) The notice form required to be used under Section 50.301(b) of this code shall include the following:

“The district also has the authority to adopt and impose a standby fee on property in the district that has district-financed water or sewer facilities and services available but not connected. The district may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$_____. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the district stating the amount, if any, of unpaid standby fees on a tract of property in the district.”

(b) The notice form required by Section 50.301(b) of this code shall be modified in the manner necessary to incorporate the additional language required by Subsection (a) of this section.

SECTION 4. This Act takes effect immediately, except that Section 3 takes effect on the earlier of the date that H.B No. 1333, H.B No. 2303, or S.B No. 1213, Acts of the 71st Legislature, Regular Session, 1989, takes effect. If none of those bills takes effect, Section 3 has no effect.

- (2) Renumber existing Section 3 of the bill as Section 5.

The amendments were read.

Senator Santiesteban moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 1207 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Santiesteban, Chairman; Armbrister, Sims, Lyon and Uribe.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider the following bills at 2:00 p.m. today:

H.B. 2799

H.B. 2622

SENATE RULE 11.11 SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills at 2:30 p.m. today:

H.B. 755

H.B. 1506

SENATE RULE 11.11 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Education might consider H.B. 1196 tomorrow at 8:30 a.m.

MEMORIAL RESOLUTIONS

S.R. 660 — By Brown: In memory of J. E. "Bubba" Walden Haynes of Mercedes.

S.R. 662 - By Truan: In memory of Marine Sergeant William N. McCormack of Ingleside.

CONGRATULATORY RESOLUTIONS

S.R. 654 - By Parmer: Extending congratulations to Mrs. Bess Googins for being chosen Outstanding Senior Citizen by the Women's Civic Club Council of Fort Worth.

S.R. 656 - By Brooks: Commending the superior accomplishments of the men and women in the Galveston Independent School District School Volunteer Program.

S.R. 658 - By Armbrister: Extending congratulations to Deputy Juan Hernandez for being named best officer in Texas for the month of February.

S.R. 663 - By Truan: Honoring Manuel O. Yzaguirre for his significant contributions to his community and his State.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:45 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

Filed with Secretary of State
(May 16, 1989)

S.J.R. 34

Sent to Comptroller
(May 16, 1989)

S.B. 73

Sent to Governor
(May 16, 1989)

S.B. 63	S.B. 480
S.B. 152	S.B. 514
S.B. 244	S.B. 583
S.B. 320	S.B. 759
S.B. 361	S.B. 873
S.B. 402	S.B. 897
S.B. 404	S.B. 907
S.B. 440	S.B. 1044

S.C.R. 122

S.C.R. 23

S.C.R. 82

S.B. 1	S.B. 691	S.B. 1081
S.B. 47	S.B. 713	S.B. 1102
S.B. 92	S.B. 717	S.B. 1103
S.B. 175	S.B. 742	S.B. 1388
S.B. 334	S.B. 846	S.B. 1407
S.B. 378	S.B. 984	S.B. 1427
S.B. 549	S.B. 1010	S.B. 1558
S.B. 631	S.B. 1015	S.B. 1587
S.B. 647	S.B. 1021	S.B. 1672
	S.B. 1032	S.B. 1710

Signed by Governor
(May 15, 1989)

H.B. 729 (Effective September 1, 1989)
S.B. 38 (Effective immediately)
S.B. 39 (Effective September 1, 1989)
S.B. 46 (Effective September 1, 1989)
S.B. 66 (Effective August 28, 1989)
S.B. 71 (Effective September 1, 1989)
S.B. 72 (Effective September 1, 1989)
S.B. 78 (Effective August 28, 1989)
S.B. 85 (Effective August 28, 1989)
S.B. 194 (Effective immediately)

S.B. 302 (Effective immediately)
S.B. 367 (Effective September 1, 1989)
S.B. 506 (Effective September 1, 1989)
S.B. 515 (Effective immediately)
S.B. 603 (Effective August 28, 1989)
S.B. 624 (Effective September 1, 1989)
S.B. 643 (Effective immediately)
S.B. 745 (Effective immediately)
S.B. 910 (Effective immediately)
S.B. 929 (Effective immediately)
S.B. 930 (Effective September 1, 1989)
S.B. 1222 (Effective September 1, 1989)
S.B. 1445 (Effective September 1, 1989)
S.B. 1524 (Effective August 28, 1989)

Signed by Governor
(May 17, 1989)

S.C.R. 144

S.C.R. 5

S.B. 54 (Effective immediately upon
passage of S.J.R. 4)
S.B. 69 (Effective immediately)
S.B. 122 (Effective September 1, 1989)
S.B. 174 (Effective August 28, 1989)
S.B. 204 (Effective immediately)
S.B. 317 (Effective September 1, 1989 *
Section 2 effective
September 1, 1991)
S.B. 391 (Effective September 1, 1989)
S.B. 404 (Effective immediately)
S.B. 439 (Effective September 1, 1989)
S.B. 615 (Effective immediately)
S.B. 734 (Effective September 1, 1989)
S.B. 1050 (Effective September 1, 1989)
S.B. 429 (Effective September 1, 1989)
S.B. 916 (Effective September 1, 1989)
H.B. 709 (Effective immediately)
H.B. 1393 (Effective August 28, 1989)
H.B. 1394 (Effective immediately)
H.B. 122 (Effective August 28, 1989)
H.B. 143 (Effective August 28, 1989)
H.B. 371 (Effective September 1, 1989)
H.B. 391 (Effective September 1, 1989)
H.B. 423 (Effective September 1, 1989)
H.B. 630 (Effective immediately)
H.B. 1192 (Effective immediately)
H.B. 1474 (Effective January 1, 1990)
H.B. 1577 (Effective September 1, 1989)
H.B. 2079 (Effective August 28, 1989)